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# SOVEREIGNTY, A STATE OF MIND: A THAKIWA CITIZEN'S VIEWPOINT

*Dagmar Thorpe\**

This symposium has been convened, and I quote

because Native American peoples and their governments are embarking on the most challenging period of their history with the United States of America. In large measure this is because indigenous languages are racing toward extinction and, consequently, Native American cultural and social distinctiveness are eroding; tribal citizenship among many tribes is decreasing; and tribes struggle to maintain political existence.

Those that work within the legal profession utilize their skills, knowledge, and wisdom to protect the sovereignty of our nations within the laws of the United States. The conveners of this symposium also recognize the linkage between our ways of life and sovereignty.

If we are to look for a Native understanding of sovereignty, this can be understood within the way of life from which each of us emerges. A Shawnee elder explained,

It was understood that we recognized all peoples' right to their own existence. We recognized the right of each nation to live according to the instructions given to them. Although we might be in conflict with one another, the right of a people to their own existence was never questioned. We recognized one sovereign — the Creator. He has given us life, and we live by the Creator's good will. If we are to survive, we must recognize and live within His law. Our laws were created to keep our people within the framework of the Creator's laws. They were principles of behavior toward each other and all of creation. Our nations are eroding because we have ceased to recognize the sovereignty of the Creator and have replaced it with a sovereignty established by human beings.

Sovereignty is an Anglo-European definition which is now applied to Native American tribes. The dictionary definition of sovereignty is, "independent of all others; supreme or independent political authority."

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\*Executive Director, Thakiwa Foundation. Citizen of the Sac and Fox Tribe. I have been asked to give an individual tribal citizen's view of sovereignty. The viewpoint which is represented in this paper arises from the teachings given to me by my elders which is gratefully acknowledged.

According to *Black's Law Dictionary*, "The word which by itself comes closest to sovereignty is will or volition as applied to political affairs." The origin of the word *politics* is Greek and refers to citizens. We recognize laws which have been promulgated by the United States, the laws of men. As Native people in the legal profession, there is also a responsibility to recognize the laws of the Creator.

*Webster's New Twentieth Century Dictionary* has three definitions of the word *politic* which speaks to three levels of human decision making: First definition — "Wise, prudent, sagacious"; Second Definition — "Prudently contrived, well devised, expedient"; and Third Definition — "Crafty, unscrupulous, and cunning." The word *politic* then represents a broad range of human judgment and decision making — from wise to strategic to unscrupulous. Within Anglo-European concepts, political decision making can fall within any of these three categories.

A useful question is: *What is the source of the will or volition of the body politic?* Traditionally, within Native American tribes, the source of decision making was guidance from the Creator and obtained through prayer. At one time, everything Thakiwahaki did was guided by prayer — we did not travel, make clothing, plant corn, or make decisions without prayer. It was recognized that the Creator was the source of our lives and everything contained within the geographical boundaries of our homelands. Prayer helped us to maintain that connection with the Creator and to continue on the path of life given to us. It was recognized that to move outside of the Creator's law made us out of balance and unhealthy as people. Great care was made to ensure our behavior reflected the Creator's intention for us.

The manifestation of the concept of sovereignty — *will or volition as applied to political affairs* — in a real sense depends on the source upon which decisions are made. From which of these levels of decision making does the United States view its relationship to Native Americans — and, thus, the concept of sovereignty applied to us defined? If we accept their definition of our sovereignty, are we giving them power over our minds and peoples? A Shawnee elder asked, "What happens when the Creator's laws are violated in the pursuit of a sovereignty defined by men? Millions of people have died at the hands of others in places like Auschwitz, Wounded Knee, Sand Creek, or the war fought against Black Hawk."

If we permit our existence to be solely defined by Euro-American law, we give the United States power to define who we are and who we are not. If we follow the original instructions given to our people, then no one has the right to seize, define, or diminish the sovereignty of our people because this sovereignty comes from a higher power. If we follow the Euro-American definition, we submit to the will of a government which was conceived with the intention to destroy our ways of life.

We have the opportunity to choose how we walk through life. One perspective is that we live within two worlds: the interior world of our

respective tribes and the exterior world which surrounds us. Another view is that our life was given to us by the Creator — that no other human being has the right or the power to seize — only we can relinquish it. The path we walk is through the contemporary world. Both views are correct and have, within them, teachings which will help us to continue the ways of life given to us by the Creator.

Our people believe they must make a choice to walk the way of our ancestors or the contemporary world. This is a false and misleading assumption which can destroy us. Those of us who believe we must make a choice to walk one road or the other, will not survive. We cannot relinquish what the Creator has given to us. We cannot forsake who we are for that which we are not, nor can we live only within our minds. In order to survive, we must join these two paths together. We continue on the spiritual path given to us by the Creator and, simultaneously, live within the contemporary world. It is our challenge as Native people to walk both paths simultaneously.

Sovereignty must be defined as the continuation of our ways of life within the present context of the contemporary world. As Native nations, we must provide an environment within our communities that sustains and nurtures our lives as we were instructed and, at the same time, develop the skills and knowledge for survival in the contemporary world. If we do not follow our ways of life, that connection between who we have always been will be broken, and we will, in the words of a Blackfeet elder, "throw away our universe." If we do not live within the contemporary context of our lives, then we lose the ability to physically survive as people.

It is well understood that an individual's thought becomes a word, a word becomes an act, an act becomes a habit, a habit becomes character, and the collective character of individuals shapes a nation. A Kickapoo elder once described to me his

way of life as represented by a circle. Within this circle are all the things given by the Creator — language, teachings, ceremonies, songs, dances, foods, and beliefs. These things are within the physical boundary of our homeland and the mental boundaries of our minds. Outside of this circle are those things which threaten to destroy us.

As Native American people, we view things in spiritual and physical dimensions. When we speak of sovereignty from a Native perspective, this is not limited to the physical boundaries of our reservations. The concept of sovereignty encompasses all of those things which represent our lives as Thakiwaki — spiritual, emotional, mental, and physical. We can influence but cannot control those things external to us. They belong to the other world. However, we have the collective responsibility to manage the internal boundaries of our reservations. The conditions of our reservations reflect the collective minds of our people. We have seen the effect when the sovereignty

of our physical boundaries is violated — destruction of the environment, land, rights, jurisdiction and resources. What is equally devastating is the violation of the boundaries of our minds. It has been said that our communities were once healthy and had no need for mental institutions, prisons, or jails. Each individual took responsibility for his own conduct, maintained a good mind, and prayed for guidance from the Creator.

Primarily, with the advent of the invasion of our lands and minds, our healthy lives were disrupted, and we became weaker and less healthy. Now, we are inclined to separate the land from the Creator; our behavior from the Creator; our people from the Creator; our government from the Creator; our institutions from the Creator; and ultimately our ways of life from the Creator. This creates a mental split — a schizophrenia — between our true selves as given life by the Creator and our lives as shaped by the experiences we have encountered. This makes our people and communities susceptible and vulnerable.

If we are to strengthen and protect our sovereignty in the fullest sense of the word, then we must stand once again within the Creator's law. When we move outside of this law, we become open to those forces which work against our survival as the Creator intended. What are those principles which define who we are as Native peoples? How do we construct laws and conduct ourselves in ways which strengthen the sovereignty of our nations in the fullest sense of the word — spiritually, emotionally, mentally, as well as physically? How does God's law apply to the way we do business as tribal governments and as Indian nations?

How do we define sovereignty and our responsibility to the Creator to maintain the health of our land and people? When we agree to the environmental destruction of our communities, is this a violation of the Creator's law? When we place money as the first priority and everything else second, are we violating the Creator's law? When we establish casinos and create bingo orphans, are we violating the Creator's law? When we use slander against one another in political campaigns, are we violating the Creator's law? When we place our languages as the last priority of our nations, are we violating the Creator's law? When we permit the abuse of our women and children, are we violating the Creator's law?

When the Creator gave us the lives which make us who we are, we were given instructions on how to protect and continue them. Many of our ancestors died to protect our homelands and ways of life — so that these things would continue for future generations. What do we lose, when we lose the state of mind which characterizes our way of life? Do we stand within our beliefs and our good minds by venturing out into the other world but always returning to that inner circle of our way of life? Or do we venture out of the circle and remain out there with our children? Or do we bounce back and forth, not choosing one or the other? Where do we stand? Who are we? And what future are we leaving for our children?

As Native Americans in the legal profession, I ask that you stand not only within the laws of the United States but also within the laws of the Creator which were given to your people. If laws are just, they will reflect and stand within the Creator's law. If they are not, they will stand outside of that law. You have the opportunity to address the fullest meaning of sovereignty and its significance for the survival of our people. I ask that you take this task seriously and recognize a concept of sovereignty which ensures the perpetuation of our respective ways of life.

